



April 10, 2015

Kerstin Forsythe Hahn  
Minnesota Department of Education,  
1500 Hwy 36 West  
Roseville, MN 55113

Dear Ms. Hahn:

The Minnesota Rural Education Association (MREA) wishes to submit the following written comments regarding Possible Amendment to Rules Governing School Desegregation/Integration, Minnesota Rules, Chapter 3535; Revisor's ID Number RD4309.

MREA is composed of 199 Greater Minnesota school districts, and 2/3 of the American Indian (AMI) students in Minnesota reside and are educated in rural Minnesota. School districts with high concentrations of AMI students are entirely rural. In 14 rural school districts, AMI students make up at least 25 percent of the student body. In half of those districts, AMI students account for 50% or more of the student body. MREA has an active Advisory Committee with members from school districts which serve a significant percentage of AMI students.

The achievement gap for AMI students is wide and well documented. The graduation rate of American Indian students drastically lags behind all other ethnic groups in Minnesota, has increased the least among all sub groups over 5 years, and is still less than 50 percent (MDE, Minnesota Report Card). Minnesota's AMI Graduation Rates for AMI students 2011 (42%) and 2012 (45%) were dead last among the 50 states (USDOE Public HS 4 Year-On-Time Report, 2014).

MREA supports the general direction of the draft Possible Amendment to Rules Governing School Desegregation/Integration, Minnesota Rules, Chapter 3535, and wishes to raise two process concerns and add a point of emphasis to the proposed rule.

Specifically MREA supports the following:

- 3535.0010 PURPOSE AND INTERACTION WITH OTHER LAW,  
C. American Indian students, as members of sovereign nations, maintain their 1.11 dual status under the provisions of parts 3535.0010 to 3535.0060.
- 3535.0020 DEFINITIONS.  
Subp. 4. Enrollment of protected students. "Enrollment of protected students" means the sum of students in the district's total enrollment identified in the following student categories, consistent with Minnesota Statutes, section 120B.35, subdivision 3, 2.2 paragraph (b), clause (2): 2.3 A. American Indian/Alaskan Native; 2.4 B. Asian/Pacific Islander; 2.5 C. Hispanic; and 2.6 D. Black.

- 3535.0040 ACHIEVEMENT AND INTEGRATION PLAN REQUIREMENTS.  
D. An eligible district or school site with a parent committee required under Minnesota Statutes, section 124D.78, must consult with the parent committee to determine whether or not the American Indian students shall participate in the plan and the committee shall be consulted in the development of the plan to address the economic integration and academic achievement issues of American Indian students.

The above sections recognize the dual status of AMI students, allows them to be included in the purposes and educational opportunities of Minnesota Statutes 124D.861 and 124D.862, and provides for the AMI Parent Committee of each district, in recognition of the dual citizenship of AMI students, to determine first the students' participation in the plan and second participate in the design of the plan. MREA believes this strikes an important balance of rights and responsibilities in regard to AMI students' education.

MREA's first concern that should a district's parent committee choose to decline participation of AMI students in the plan, and without AMI students, the district fails to meet 3535.0030 ELIGIBLE DISTRICTS's 20% threshold. The rule as written appears to continue to require the district to file a plan and does not provide a means for an adjustment of the applicability of the rule.

Subpart 1. Districts required to submit plans. A school district is required to submit a plan under Minnesota Statutes, 2.18 section 124D.861, if: (1) the district's protected student percentage equals or exceeds 20 2.20 percentage points; or (2) a school site within the district with protected student enrollment that is 20 percentage points or more higher than the other school sites within the district serving the same grades.

MREA requests additions to the rule, making it clear that when an AMI Parent Committee declines participation of the district's AMI students, that the AMI students be removed from protected status percentage for the purposes of this rule, and the newly adjusted percentage is used to determine the eligibility criteria and requirements of the rule for that school district.

MREA's second concern has to do with the requirement of 124D.862 that each plan "has a term of three years." The rule appears to be unclear when a Parent Committee can exercise its right that AMI students not be permitted to participate in the plan.

MREA believes the intent of the rule is that the action to "determine whether or not the American Indian students shall participate in the plan," would occur prior to the submission of a three year plan, and therefore not be a decision available to a Parent Committee during the life of a plan. MREA would ask that the rule clarify this so districts and Parent Committees can implement a three year plan cooperatively and effectively. Re-evaluation of continued participation would occur prior to the submission of a subsequent three year plan.

MREA's point of emphasis is in 3535.0040 ACHIEVEMENT AND INTEGRATION PLAN REQUIREMENTS paragraph D. The rule implies that "the parent committee" is the American Indian parent committee. MREA suggests that it be labeled as such in the rule to be clear and emphasize the nature of the committee.

An eligible district or school site with a an American Indian parent committee required under Minnesota Statutes, section 124D.78, must consult with the parent committee to determine whether or not the American Indian students shall participate in the plan and the committee shall be consulted in the development of the plan to address the economic integration and academic achievement issues of American Indian students.

Again, MREA supports the intent and overall structure of this proposed rule. Our process concerns are intended to clarify issues at the front end of the rule making rather than have them arise as the rule becomes implemented.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fred Nolan". The signature is written in a cursive style with a large initial "F".

Fred Nolan  
MREA Executive Director